

REMARKS

Status of the Claims

Claims 1, 6, and 11-16 are pending in the present application. Claims 1 and 6 are amended. Support for the amendments is found in claim 5, now canceled. Claims 2-4 and 7-10 are also canceled. No new matter is entered by way of this amendment. Reconsideration is respectfully requested.

Issues under 35 U.S.C. § 102(e)

Claims 1-5, 14, and 16 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Publication No. 2007/0031844 to Khvorova *et al.* ("Khvorova"), *see Office Action*, page 3.

According to the Examiner, SEQ ID NO: 182,476 of Khvorova corresponds to the siRNA of SEQ ID NOS: 8 and 9 and SEQ ID NOS: 39 and 40 as described in pending claim 5. The Examiner further remarks that the claims specify that the claimed siRNA comprises "a" sequence from SEQ ID NO: 8 or 9. According to the Examiner, SEQ ID NO: 182,476 targets and corresponds to the target defined by SEQ ID NO: 7 and SEQ ID NO: 38, which are included in SEQ ID NO: 27. The Examiner further provides an alignment of the sequences in Khvorova and instant SEQ ID NO: 27.

Claims 2-5 are canceled. Accordingly, the rejection is moot in regard to these claims.

As noted above, independent claim 1 is amended to incorporate the sequences described in claim 5, which are not disclosed in Khvorova. For example, Khvorova fails to teach "a nucleic acid, wherein a nucleic acid comprising the nucleotide sequence of SEQ ID NO: 8 and a nucleic acid comprising the nucleotide sequence of SEQ ID NO: 9 are combined."

Although previously pending claim 5 was rejected as allegedly anticipated by Khvorova, Applicants understand that the phrase "a" nucleotide sequence has been interpreted to describe only a portion of the nucleic acids described in the previously pending claims. While Applicants do not agree with this interpretation, the claims are also amended in an effort to expedite prosecution to specify "the" before the nucleotide sequences to indicate that the nucleic acid must comprise the entirety of the specified sequences.

In view of the amendment, independent claim 1 is not anticipated by Khvorova. Dependent claims 14 and 16, which incorporate all of the elements of independent claim 1, are also not anticipated by Khvorova. Accordingly, withdrawal of the rejection is respectfully requested.

Issues under 35 U.S.C. § 103(a)

Claims 1-14 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Khvorova in view of Shen *et al.*, *FEBS Letters Vol.*, 2003, 539:111-114 (“Shen”), *see Office Action*, pages 4-6

Further, claims 1-16 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Khvorova in view of Shen and Levis *et al.*, *Blood*, 2002, 99:3885-3891, (“Levis”) *see Office Action*, pages 6-8.

Claims 2-5 and 7-10 are canceled. Accordingly, the rejection is moot in regard to these claims.

As noted above, Khvorova fails to describe all of the elements of the amended claims. In particular, Khvorova fails to describe the specified nucleic acids. Neither Shen nor Levis remedy this deficiency. Accordingly, none of the cited references, either alone or in combination, teach or suggest all of the elements of the instant claims.

In view of the foregoing, the claims are not rendered obvious by the cited references. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion


In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Ph.D., Registration No. 46,046, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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